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Atty. Dkt. No. 071671-0169

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Yoshikazu KOBAYASHI
Title:	WIRELESS LAN UTILIZABILITY DETECTING SYSTEM AND METHOD
Appl. No.:	10/658,199
Filing Date:	September 10, 2003
Examiner:	Dung Le Lam
Art Unit:	2617
Confirmation No.:	3230

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding Japanese application. An English translation of the abstract of the foreign-language document has been provided.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The listed documents were cited in an Office Action (copy enclosed) in a copending Japanese application. The Examiner stated in connection with the corresponding Japanese application:

> 1. Regarding Claim 1
> *1.1 Comparison*
>
> Comparing the invention relating to Claim 1 of the present application to the invention described in Cited Literature 1 (paragraphs (0075) through (0080), Figures 1 and 6), the "data processing device," "base," and "modulation-demodulation unit" described in Cited Literature 1 correspond respectively to the "information terminal device," "case of slave device," and "radio wave intensity detection means" of the invention relating to Claim 1 of the present application. Furthermore, the "control unit" of the invention described in Cited Literature 1 is identical to the "detection output means" of the invention relating to Claim 1 of the present application in the point of outputting a signal based on the output of the radio wave intensity detection means and differs in the following point.
>
> (Point of Difference 1) In the invention according to Claim 1 of the present application, the detection output means issues output representing the availability of a wireless LAN based on the output of a detection output means, which differs from the invention described in Cited Literature 1, in that in the latter, the detection output means indicates the value of the detected radio wave intensity.

1.2 Evaluation of the point of difference

The aforementioned Point of Difference 1 will be examined.

Cited literature 1 describes illuminating a green LED when an electric field intensity sufficiently large to enable communication is detected and illuminating a red LED when an electric field intensity so small that it disables communication is detected (paragraph number (0080)), and since this enabling/disabling of communication is found to be equivalent to the "wireless LAN availability" of the invention relating to Claim 1 of the present application, configuring the invention described in Cited Literature 1 so as to issue output representing the wireless LAN availability based on the output of the radio wave intensity detection means is something which could be easily accomplished by a person skilled in the art, and the effect thereof does not go beyond what could be anticipated.

2. Regarding Claims 2 and 3

2.1 Comparison

Comparing the invention relating to Claim 2 of the present application to the invention described in Cited Literature 1, the two have the points of correspondence and Point of Difference 1 as described in section "1.1 Comparison," and furthermore differ in the following point.

(Point of Difference 2) In the invention relating to Claims 2 and 3 of the present application, the case installed in the information terminal device comprises an adapter for installing a wireless LAN card, and this case itself constitutes the case of the wireless LAN card, while in the invention described in Cited Literature 1, it is not explicitly stated that the case comprises an adaptor or wireless LAN card.

2.2 Evaluation of the point of difference

The aforementioned Point of Difference 2 will be examined.

Since the "slave device" of the invention described in Cited Literature 1 is connected to the PC card slot of an information terminal device and enables communication by means of a wireless LAN (paragraph number (0026) and Figure 6), it is found to have an equivalent function to the configuration comprising the "wireless LAN card" and "adapter" of the invention relating to Claim 2 of the present application, and furthermore, is found to have an equivalent function to the "wireless LAN card" of the invention according to Claim 3 of the present application. Here, constituting the function of the "salve device" of the invention described in Cited Literature 1 by means of a single case or a plurality of cases is no more than a design modification that can be selected as necessary by a person skilled in the art.

Therefore, in the invention described in Cited Literature 1, providing the function of a portion of the "slave device" in a single case to form an

adapter, or providing all the functions of the "slave device" in a single case to form the wireless LAN card are matters which could be selected as necessary by a person skilled in the art, and the effect of this also does not go beyond what could be anticipated.

3. Regarding Claim 4

3.1 Comparison

Comparing the invention relating to Claim 4 of the present application to the invention described in Cited Literature 1, the two have the points of correspondence and Point of Difference 1 as described in section "1.1 Comparison," and furthermore differ in the following point.

(Point of Difference 3) In the invention according to Claim 4 of the present application, activation is enabled without receiving a separate power supply by means of the power obtained by receiving the radio waves of a specific wireless LAN band, which differs from the invention described in Cited Literature 1 in that the latter does not explicitly state that power supply is unnecessary.

3.2 Evaluation of the point of difference

The aforementioned Point of Difference 3 will be examined.

Cited Literature 2 describes constructing a monitoring device for the electromagnetic waves received by a wireless device using diodes and condensers and operating it without a power supply by means of the electric power of the electromagnetic waves (paragraphs (0025) and (0201) and Figure 2). The "detection device" and "accumulation device" of this monitoring device have equivalent function to the "radio wave detection means" of the invention relating to Claim 4 of the present application in the point of outputting a signal according to the intensity of radio waves used for wireless communication.

Therefore, in detecting radio waves in a specific wireless LAN band in the invention described in cited literature 1, adopting an arrangement that allows the detection operation using only the electric power of the radio waves received is a matter which could be easily accomplished by a person skilled in the art, and the effect thereof does not go beyond what could be anticipated.

4. Regarding Claim 5

4.1 Comparison

Comparing the invention relating to Claim 5 of the present application to the invention described in Cited Literature 1, the two have the points of correspondence and Point of Difference 1 as described in section "1.1 Comparison," and furthermore differ in the following point.

(Point of Difference 4) The invention relating to Claim 5 of the present application comprises a comparison means configured to compare the intensity

of the radio waves detected by the radio wave intensity detection means in a specific wireless LAN band to a prescribed value, and issue output according to the result of said comparison as the output of the radio wave intensity detection means, which differs from the invention described in Cited Literature 1 in that the latter does not explicitly state that it comprises such a comparison means.

4.2 Evaluation of the point of difference

Aforementioned Point of Difference 4 will be examined.

Cited Literature 1 describes illuminating a green LED when an electric field intensity sufficiently large to enable communication is detected and illuminating a red LED when an electric field intensity so small that it disables communication is detected (paragraph number (0080)), so it is clear that the electric field intensity is compared to a prescribed value to determined if the value allows communication.

Therefore, configuring the invention described in Cited Literature 1 such that the intensity of detected radio waves in a specific wireless LAN band is compared to a prescribed value and output is provided according to the results of that comparison is something which would naturally be performed by a person skilled in the art, and the effect thereof does not go beyond what could be anticipated.

5. Regarding Claim 6

5.1 Comparison

Comparing the invention relating to Claim 6 of the present application to the invention described in Cited Literature 1, the two have the points of correspondence and Point of Difference 1 as described in section "1.1 Comparison," and furthermore differ in the following point.

(Point of difference 5) In the invention relating to Claim 6 of the present application, the detection output means is configured to output a signal for starting up the information terminal device according to the output of the radio wave intensity detection means, which differs from the invention described in Cited Literature 1 in that in the latter, the detection output means outputs a signal for indicating the radio wave intensity.

5.2 Evaluation of the point of difference

The aforementioned Point of Difference 5 will be examined.

Cited Literature 3 describes the technique of connecting to an information processing device (the information terminal device of the present application) and turning on the power supply of said information terminal device when there is an incoming communication to the wireless communication device (corresponding to the wireless LAN availability detecting device of the present application) (paragraphs (0041) through (0046),

(0057) through (0065), and Figures 7 and 9). This wireless communication device has an equivalent effect to the "detection output means" of the invention relating to Claim 6 of the present application in the point of outputting a signal which starts up the information terminal device in response to the reception of radio waves for performing wireless communication.

Therefore, configuring the invention described in Cited Literature 1 to output a signal for staring up the information terminal device in response to the radio wave intensity instead of outputting a signal for indicating the radio wave intensity when detecting the radio wave intensity and performing an operation according to that detection is found to entail no remarkable difficulty and could be easily conceived of by a person skilled in the art, and the effect thereof does not go beyond what could be anticipated.

6. Regarding Claims 7 and 8

To compare the invention relating to Claims 7 and 8 of the present application to the invention described in Cited Literature 1, the two have the points of correspondence and point of difference 1 as described in section "1.1 Comparison." Furthermore, the "display unit" and "LED" of the invention described in cited literature 1 are equivalent to the "display means" and "LED" of the invention relating to Claim 7 and 8 of the present application. Thus, the invention relating to Claims 7 and 8 of the present application could be easily conceived of by a person skilled in the art.

No reasons for rejection have been discovered as of now for inventions according to claims other than the claims indicated in this notification of reasons for rejection. If any reasons for rejection are newly discovered, a notification of reasons for rejection will be issued.

LIST OF CITED LITERATURE

1. Japanese Unexamined Patent Application Publication 2001-285297
2. Japanese Unexamined Patent Application Publication 2001-165973
3. Japanese Unexamined Patent Application Publication H10-56673

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8/14/06

By _____ Reg No. 43,250

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

By David A. Blumenthal
Attorney for Applicant
Registration No. 26,257

MODIFIED PTO/SB/08 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Date Submitted: August 14, 2006

(use as many sheets as necessary)

Sheet	1	of	1

Complete if Known	
Application Number	10/658,199
Filing Date	9/10/2003
First Named Inventor	Yoshikazu KOBAYASHI
Group Art Unit	2617
Examiner Name	Dung Le Lam
Attorney Docket Number	071671-0169

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	U.S. Patent Document Number	U.S. Patent Document Kind Code[2] (*if known*)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Office[3]	Number[4]	Kind Code[5] (*if known*)	Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
	A1	JP	2001-285297		HITACHI KOKUSAI ELECTRIC INC	10-12-2001		
	A2	JP	2001-165973		MILESTONE DENSHI KK	06-22-2001		
	A3	JP	10-056673		HITACHI LTD.	02-24-1998		

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Unique citation designation number. [2]See attached Kinds of U.S. Patent Documents. [3]Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

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